

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY DEMETRIS IRBY,
Plaintiff,
v.
THORNTON, et al.,
Defendants.

No. 2:21-cv-1047-TLN-EFB P

FINDINGS AND RECOMMENDATIONS


Plaintiff is a county jail inmate proceeding pro se and in forma pauperis in an action brought under 42 U.S.C. § 1983. On September 7, 2021, the court informed plaintiff that he could proceed with an excessive force claim against defendant Thornton, *or* he could file an amended complaint in an effort to also state claims against defendants Solano County Sheriff's Office, Solano County, and the State of California. ECF No. 10. Plaintiff has elected not to amend his complaint and to proceed only with the claim identified by the court. ECF No. 12.

Accordingly, IT IS RECOMMENDED that plaintiff's claims against defendants Solano County Sheriff's Office, Solano County, and the State of California be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
3 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
4 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: October 7, 2021.

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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